

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 JOE NATHAN HOMER,

No. C 08-80138 CRB

12 Plaintiff,

**ORDER DENYING LEAVE TO FILE**

13 v.

14 CHOCTAW NATION OF OKLAHOMA,  
15 ET AL.,

16 Defendant.  
\_\_\_\_\_ /

17  
18 On July 9, 2008, Plaintiff Joe Nathan Homer presented the complaint in this action to  
19 the Clerk's Office for filing. Because Plaintiff has been declared a vexatious litigant by a  
20 District Court Judge of this Court, the matter was referred to the undersigned General Duty  
21 Judge for a determination whether Plaintiff should be permitted to file the complaint.


22 The vexatious litigant order, dated October 23, 2006, states that Plaintiff shall seek  
23 leave of court to file "any new suit alleging that the defendant is or should be in possession  
24 of documents demonstrating that Plaintiff or his ancestors have Native American blood."

25 As best the Court can determine from the complaint – which includes various  
26 attachments but no statement of the facts or claims that form the basis of the action – Plaintiff  
27 is alleging that the Choctaw Nation and its officials are withholding documentary evidence of  
28 Plaintiff's Choctaw heritage. As a result, Plaintiff's complaint falls squarely within the ambit  
of this Court's vexatious litigant order.

Judges of this Court have dismissed numerous suits against the Bureau of Indian Affairs, United States Department of Interior, and the Creek Nation alleging identical claims on the ground that Plaintiff's claims were "frivolous and harassing," and "patently without merit." There is nothing in Plaintiff's current complaint to indicate that it merits a different fate. Accordingly, leave to file is DENIED. The motion to proceed in forma pauperis is DENIED AS MOOT.

**IT IS SO ORDERED.**

Dated: July 21, 2008

  
\_\_\_\_\_  
CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

United States District Court  
For the Northern District of California